



South Cambridgeshire District Council

Report to: Licensing Sub-Committee
Author/s: Licensing Technical Officer
Date: 11 October 2023
Lead Officer: Natasha Wade-Guest

Application for the Grant of a Street Trader Consent – Dale Price, T/A Slice of Price

Purpose

1. To request the Sub-Committee determine a mobile street trading consent application which has been subject to representation.

Background

2. On 30 April 2023, an application for a mobile street trading consent was submitted to trade Fridays (every month) between 18:00 and 21:30 at The Black Horse, 63 Orchard Road, Melbourn, Royston, SG8 6BP. The application also requested to be able to trade at Whaddon Golf Centre to which there were no representations received.
3. The application form is attached as **Appendix A**, and a copy of the location plan is attached as **Appendix B**.
4. In line with the Council's current Street Trading Policy, views were sought on the application by consulting with:
 - Ward & Division Councillors
 - Parish or Town Councils
 - South Cambridge Council Environmental Health
 - Cambridgeshire Constabulary
 - Shared Planning Service
 - Cambridgeshire County Council Highways
5. In addition, a site visit was undertaken by the Licensing Principal Officer on 18 May 2023, to both assess suitability and to follow up a complaint from a neighbour who had raised concerns regarding trading within the premise car park and had suggested the location was dangerous and a nuisance. The Officer considered the location of the

trading unit, space available within the car park and access to the car park to be in a suitable location, and does not impede traffic flow, nor cause a hazard.

Photographs of the trading location are attached as **Appendix F**.

6. Where valid representations have been received against an application, the application will be referred to the Licensing Sub-Committee for determination. There is no formal right of appeal against refusal of an application following the decision.
7. The application to trade at the Black Horse, Melbourn has been opposed by Melbourn Parish Council. A copy of the representation is attached as **Appendix C**.
8. A petition was handed to the Council by Cllr Jose Hales on behalf of the Black Horse, Melbourn in support of small business food vendors trading at the premises and is attached as **Appendix D** along with a letter from Steve Harrington, landlord of the Black Horse, Melbourn attached as **Appendix E**.
9. The trader has been permitted to trade at the location pending the decision of the Committee, in order to support the business due to a number of factors;
 - a. Trading was not taking place daily, only once a fortnight for a short time period.
 - b. As soon as the trader was advised a Street Trading Consent was required, the application was immediately applied for, and all paperwork and safety checks were in order, therefore suggesting there was no evidence to suggest non-compliance.
 - c. There have been no nuisance complaints lodged with Environmental Health.
 - d. It was advised that the local amenity had been supportive of the business, so to remove without notice may have prejudice those service users.

Key Considerations

10. A representation against an application must relate to one of the following criteria; Public Safety, Public Nuisance or "General".
11. The Council will normally grant a Street Trading Consent unless one or more of the criteria below are identified.

(a) **Public Safety**

- (i) Road Safety: A significant effect on road safety would arise either from the siting of the trading activity itself such as interference with sight lines for any road users or pedestrian crossings, or from customers using, visiting or leaving the site;
- (ii) Accidents: Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- (iii) Traffic Orders: There is a conflict with traffic orders such as waiting restrictions;
- (iv) Access: The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;

- (v)Obstruction: The trading unit obstructs the safe passage of users of the footway or carriageway;
- (vi)Food Safety: the trader has failed to meet adequate food safety/hygiene standards.
- (vii)Health and Safety: the trader has breached or failed to meet any health and safety standards

(b) Public Nuisance

- (i) Loss of amenity: There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

(c) General

- (i) Commodity duplication: That within the proposed pitch location, there are already traders or businesses offering the same service or providing the same principal food/commodity during the hours the consent is applied for. This is to ensure a diverse offering of services. Competition issues will not be a consideration;
- (ii) Unit unsuitability: The trading unit is not considered to be suitable in style or in keeping with the location(s) requested.
- (iii) Fees: In the case of a renewal application the previous year's fees have not been paid.
- (iv) Complaints: The consent holder has been the subject of a serious substantiated complaint or multiple substantiated complaints relating to public safety and/or public nuisance as detailed above
- (v)Suitability of applicant: This Licensing Authority will only issue a street trader consent to an applicant which it considers to be 'fit and proper' to hold a consent i.e. they have not disclosed any convictions that would bring into question their suitability to be issued a licence and has the right to work under UK immigration law,

12. All applications will be determined on their own merit.

Recommendations

13. The sub-Committee are requested to determine this application.

14. When determining an application, the sub-Committee may:

- (a) Grant consent to the applicant as applied for.
- (b) Grant consent to the applicant subject to modifications to the days, times or locations on which trading may take place; attach additional conditions to the consent.
- (c) Refuse to grant the Consent.

Legal Implications

15. The Committee must have regards to the Policy, and only take into consideration the relevant factors of the representation. There is no right of appeal to a Magistrate's Court should the application be refused.

Contact Officer: Natasha Wade-Guest

Appendix A	Copy of application form
Appendix B	Location map
Appendix C	Copy of representation.
Appendix D	Petition in support of application
Appendix E	Letter from the Black Horse
Appendix F	Photographs of trading location

Background Paper: South Cambridgeshire District Council Street Trading Policy effective April 2022.